

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Vice-Chairman Jim Shockley, on March 25, 2009 at  
10:00 A.M., in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** Sen. Gary L. Perry, Chairman (R)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: No bills heard in committee

Executive Action: HB 235-Tabled, HB 517-Be Concurred  
In As Amended, HB 515-Tabled,  
HB 534-Postponed Action,  
HB 591-Be Concurred In As Amended,  
HB 301-Be Concurred In,  
HB 295-Reconsider the Motion,  
Remove from Table

00:00:26 Sen. Laslovich

**EXECUTIVE ACTION ON HB 235**

00:01:47 **Motion:** Sen. Laslovich moved that **HB 235 BE CONCURRED IN.**

**Discussion:**

00:01:59 Sen. Esp

00:02:26 Sen. Shockley

00:02:36 Sen. Juneau

**EXHIBIT(jus66b01)**

00:03:54 Sen. Shockley

00:03:59 Sen. Juneau

00:04:10 Sen. Moss

00:06:47 **Vote:** Motion that **HB 235 BE CONCURRED IN** failed 4-8 by voice vote with Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Perry voted by proxy.

00:07:22 **Motion:** Sen. Laslovich moved that **HB 235 BE TABLED AND THE VOTE REVERSED.** Motion carried. Sen. Perry voted by proxy.

**EXECUTIVE ACTION ON HB 517**

00:07:57 **Motion:** Sen. Esp moved that **HB 517 BE CONCURRED IN.**

00:08:07 **Motion:** Sen. Esp moved that **HB 517 BE AMENDED.**  
**EXHIBIT(jus66b02)**

**Discussion:**

00:09:29 Sen. Larsen

00:09:37 **Vote:** Motion that **HB 517 BE AMENDED** carried unanimously by voice vote.

00:09:46 **Motion/Vote:** Sen. Esp moved that **HB 517 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Perry voted by proxy. Sen. Esp will carry HB 517 on the Senate floor.

(Sen. Perry entered the room.)

**EXECUTIVE ACTION ON HB 515**

00:11:16 **Motion:** Sen. Laslovich moved that **HB 515 BE CONCURRED IN.**

00:11:19 **Motion:** Sen. Laslovich moved that **HB 515 BE AMENDED.**  
**EXHIBIT**(jus66b03)

00:12:40 **Vote:** Motion that **HB 515 BE AMENDED** carried 11-1 by voice vote with Sen. McGee voting no.

00:13:06 **Motion:** Sen. Esp moved that **HB 515 BE CONCURRED IN AS AMENDED.**

**Distributed to the Committee members regarding HB 515 heard 3/24/09:**

**EXHIBIT**(jus66b04)

**Discussion:**

00:13:44 Sen. Larsen  
00:15:07 Sen. McGee  
00:17:17 Sen. Laslovich  
00:18:36 Sen. Esp  
00:19:49 Sen. Shockley  
00:21:04 Sen. Laslovich  
00:21:38 Sen. Shockley  
00:21:49 Sen. Juneau  
00:23:26 Sen. Shockley

00:23:31 **Vote:** Motion that **HB 515 BE CONCURRED IN AS AMENDED** failed 4-8 by roll call vote with Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye.

00:24:21 **Motion:** Sen. Esp moved that **HB 515 BE TABLED AND THE VOTE REVERSED.** Motion carried.

**EXECUTIVE ACTION ON HB 534**

00:25:17 **Motion:** Sen. Juneau moved that **HB 534 BE CONCURRED IN.**

00:25:35 **Motion:** Sen. Juneau moved that **HB 534 BE AMENDED.**  
**EXHIBIT**(jus66b05)

(Sen. McGee absent from the room.)

**Discussion:**

00:25:56 Valencia Lane, Legislative Services Division

00:27:09 **Vote:** Motion that **HB 534 BE AMENDED** carried 11-0 by voice vote. Per Chairman Perry, no proxy vote for Sen. McGee.

00:27:33 **Motion:** Sen. Laslovich moved that **HB 534 BE CONCURRED IN AS AMENDED.**

00:27:43 **Motion:** Sen. Shockley moved that **HB 534 BE AMENDED.**  
**EXHIBIT(jus66b06)**

**Discussion:**

00:28:33 Jeremy Gersovitz, Legislative Services Division

00:29:34 Sen. Shockley

00:31:53 Ms. Lane

00:32:12 Sen. Perry moved that **HB 534 BE AMENDED WITH A SUBSTITUTE AMENDMENT BY STRIKING THE WORD "ONLY" FROM SECTION 2B.**

**Discussion:**

00:33:30 Sen. Shockley

00:34:31 Ms. Lane

00:33:49 Sen. Perry

00:35:11 Ms. Lane

00:35:45 Sen. Shockley

00:35:48 Sen. Juenau

00:35:53 Sen. Perry

00:36:02 Sen. Juneau

00:36:17 Sen. Shockley

00:36:49 Sen. Laslovich

00:37:36 Sen. Shockley

00:37:46 Ms. Lane

00:38:42 Sen. Shockley

00:39:06 Sen. Laslovich

00:39:26 Sen. Shockley

00:39:39 Sen. Laslovich

00:39:50 Ms. Lane

00:40:11 Sen. Shockley **WITHDREW MOTION THAT HB 534 BE AMENDED WITH (EXHIBIT 6).**

00:40:21 Sen. Perry **WITHDREW MOTION THAT HB 534 BE AMENDED WITH A SUBSTITUTE AMENDMENT.**

00:40:28 Sen. Laslovich **WITHDREW MOTION THAT HB 534 BE CONCURRED IN AS AMENDED.**

00:40:35 Sen. Perry postponed action on HB 534.

00:40:55 break

**EXECUTIVE ACTION ON HB 591**

00:53:19 **Motion:** Sen. Shockley moved that **HB 591 BE CONCURRED IN.**

00:53:40 **Motion:** Sen. Shockley moved that **HB 591 BE AMENDED.**  
**EXHIBIT(jus66b07)**

(Sen. Jent and Sen. Esp absent from room)

00:55:41 **Vote:** Motion that **HB 591 BE AMENDED** carried unanimously by voice vote. Sen. Jent, Sen. McGee, and Sen. Esp voted by proxy.

00:56:07 **Motion:** Sen. Shockley moved that **HB 591 BE CONCURRED IN AS AMENDED.**

00:56:27 **Vote:** Motion that **HB 591 BE CONCURRED IN AS AMENDED** carried unanimously by voice vote. Sen. Jent, Sen. Esp. and Sen. McGee voted by proxy. Sen. Shockley will carry HB 591 on the Senate floor.

(Sen. Jent entered the room.)

**EXECUTIVE ACTION ON HB 301**

00:57:34 **Motion:** Sen. Larsen moved that **HB 301 BE CONCURRED IN.**

00:57:54 **Motion:** Sen. Larsen moved that **HB 301 BE AMENDED.**  
**EXHIBIT(jus66b08)**

**Discussion:**

00:59:47 Sen. Shockley  
01:00:38 Sen. Laslovich  
01:02:27 Sen. Shockley  
01:03:14 Sen. Larsen  
01:05:43 Sen. Curtiss

01:06:05 **Vote:** Motion that **HB 301 BE AMENDED** failed 4-8 with Sen. Jent, Sen. Juneau, Sen. Larsen, and Sen. Moss voting aye. Sen. McGee and Sen. Esp voted by proxy.

(Sen. McGee entered the room.)

01:07:23 **Motion:** Sen. Shockley moved that **HB 301 BE AMENDED WITH A CONCEPTUAL AMENDMENT REDUCING THE HOURS REQUIRED FROM 4800 TO 2000 HOURS.**

**Discussion:**

01:08:37 Sen. Laslovich  
01:08:47 Sen. Perry  
01:09:20 Jerry Hoffman, Montana Bar Association, Paralegal  
Section  
01:10:00 Sen. Perry  
01:10:04 Ms. Hoffman  
01:10:42 Sen. Larsen  
01:10:55 Becky Brandborg, Montana Bar Association  
01:12:40 Sen. Perry  
01:12:53 Sen. Larsen

(Sen. Hinkle absent from room)

01:13:40 Ms. Brandborg

01:13:56 **Substitute Motion:** Sen. Perry made a substitute motion that **HB 301 BE AMENDED TO REQUIRE THE HOURS TO BE CHANGED TO 3000.**

**Discussion:**

01:14:02 Sen. Shockley  
01:14:35 Sen. Laslovich  
01:14:49 Sen. Shockley  
01:15:08 Sen. Perry  
01:15:28 Sen. Juneau  
01:16:23 Sen. Laslovich  
01:17:05 Sen. Moss  
01:17:38 Sen. McGee  
01:18:01 Sen. Shockley  
01:18:21 Sen. Perry

01:18:53 **Vote:** Motion that **HB 301 BE AMENDED** failed 4-8 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Perry, and Sen. Shockley voting aye. Sen. Esp and Sen. Hinkle voted by proxy.

01:20:00 **Motion/Vote:** Sen. Larsen moved that **HB 301 BE TABLED**. Motion failed 2-10 by roll call vote with Sen. Larsen and Sen. McGee voting aye. Sen. Esp and Sen. Hinkle voted by proxy.

01:21:07 **Vote:** Motion that **HB 301 BE CONCURRED IN** carried 11-1 by roll call vote with Sen. Larsen voting no. Sen. Esp and Sen. Hinkle voted by proxy. Sen. Laslovich will carry HB 301 on the Senate floor.

**EXECUTIVE ACTION ON HB 295**

01:23:34 **Motion/Vote:** Sen. Shockley moved to **RECONSIDER THE PREVIOUS ACTION** on **HB 295**. Motion failed 6-6 by roll call vote with Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. McGee, Sen. Moss, and Sen. Perry voting aye. Sen. Esp and Sen. Hinkle voted by proxy.

**Sub-Committee report for HB 228:**

01:25:49 Sen. McGee

**ADJOURNMENT**

Adjournment: 11:45 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus66bad.pdf](#))**